

PATENT

Atty Docket No.: 200206643-1

App. Ser. No.: 10/697,687

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-44 are pending in the present application, of which, Claims 1, 16, 26, 29, and 34 are independent. In addition, Claims 1-44 are subject to an Election of Species requirement.

The Official Action asserts that the present application contains claims that are directed to two patentably distinct species. As defined in the Official Action, these species are:

Species I: Claims 1-28 and 34-44, directed to a polymer electrolyte fuel; and

Species II: Claims 29-33, directed to a liquid electrolyte fuel cell.

A requirement to elect a single disclosed species has been imposed on the basis that the above-identified species are allegedly patentably distinct from each other. In addition, the Official Action alleges that no claim is generic.

In response to that election of species requirement, Applicants hereby elect, with traverse, Species I of the invention. Claims 1-28 and 34-44 are readable on the elected species.

The election is made with traverse, because it is believed that all of the claims of this application can be examined at the same time without serious burden. The search required for the non-elected species would likely be co-extensive with that required for the elected species, because both groups of species include embodiments involving fuel cells having gasket layers. In addition, many of the features claimed in the claims of the non-elected species are included in the claims of the elected Species I. For instance, non-elected Claim

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29 includes all of the features of elected Claim 1, except that Claim 29 recites a liquid electrolyte whereas Claim 1 recites a polymer electrolyte membrane.

As such, the search required for Claim 1 will, in most likelihood, encompass a search for non-elected Claim 29. It is thus submitted that no serious burden would result if all of the alleged species of this application were examined concurrently. Accordingly, withdrawal of the restriction requirement and examination of all of the claims contained in this application, are respectfully requested.

In light of the foregoing, withdrawal of the restriction requirement and examination of all of the claims of this application are respectfully requested.


Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: August 18, 2006

By


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